

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated October 29, 2008. Applicants respectfully request a three month extension of time. Authorization is given to charge the appropriate fees to Deposit Account No. 50-0951.

At the time of the Office Action, claims 1-22 were pending in the application. In the Office Action, the drawings, specification and claims were objected to. Claims 1 and 22 were rejected under 35 U.S.C. §§102(b) and 102(e). Claims 2-21 were rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

I. Objections to the Drawings

The drawings were objected to under 37 CFR §1.83(a) for failing to show every feature of the invention specified in the claims. Corrected drawing sheets are filed herewith to overcome this objection, withdrawal of which is respectfully requested.

II. Objections to the Specification

The abstract of the disclosure was objected to because of the use of legal phraseology. The specification was objected to because it did not include section headings. Appropriate corrections are made herein, and withdrawal of the objection is respectfully requested.

III. Objections to the Claims

Claims 7-21 were objected to because of an antecedent basis issue in claim 7. This claim has been duly corrected herein, and withdrawal of the objection is respectfully requested.

IV. Rejections based upon Art

Claims 1 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,643,969 to Avizonis (hereafter "*Avizonis*"). Claims 1 and 22 were also rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0132631 to Bodo ("*Bodo*"). Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Avizonis*. Claims 2-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bodo*. Claims 6-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bodo* in view of

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Avizonis. Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bodo* in view of *Avizonis* and further in view of U.S. Patent No. 5,526,177 to Fantone ("*Fantone*"). Claims 12-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bodo* in view of *Avizonis* and *Fantone* and further in view of U.S. Patent No. 6,311,424 to Burke ("*Burke*"). Claims 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bodo* in view of *Avizonis*, *Fantone* and *Burke* and further in view of U.S. Patent No. 5,054,225 to Giuffre.

Turning first to the rejections of claims 1-22 on the basis of *Bodo*, applicant notes that this prior art reference is cited only under 35 U.S.C. §102(c). As pointed out in the attached inventor declaration, invention of the subject matter of these claims occurred prior to the effective date of the *Bodo* reference, and diligence was exercised from the date of invention of the subject matter up to and including actual reduction to practice in a WTO member country, and filing of the application from which the present invention claims priority. Pursuant to M.P.E.P. 706.02(b), Applicant respectfully requests that this rejection be withdrawn.

With regard to the rejections on the basis of *Avizonis*, applicant notes that this document teaches when the reflective body 5 of *Avizonis* is in the "closed" position, the light is reflected from axis AX_1 by mirror 5 along axis AX_2 to impinge on mirror 7 where it is reflected along axis AX_3 . The light thus travels back across axis AX_1 , traveling through a total angle of 270 degrees, which provides a viewing angle of approximately 90 degrees relative to axis AX_1 . See column 4, lines 24-40. This is outside the claimed range in the present application. Although the maximum exemplary range of viewing angles given is approximately 60-120 degrees, Applicant notes that no teaching is provided of how to provide an angle of reflection of 60 degrees, other than a statement that "simple adjustments to the placement and angles of mirrors 7 and 9" may be made, which is not believed to be an enabling disclosure. If a person of ordinary skill in the art were to simply adjust the placement of the mirrors, to try to produce a viewing angle of 60 degrees, they would have to substantially alter the way that the device of *Avizonis* works. Applicant notes that *Avizonis* teaches that the mirror 9 should have an "open" and a "closed" position, with the "open" position allowing unobstructed vision through the sight LS, and the "closed" position creating the viewing line of sight A_3 with the light having crossed the axis AX_1 by "flipping" the mirror 9 to its closed position. To create a viewing angle of 60 degrees, the mirror 9 would either have to be

swung so far that it could not simply pivot about point 35, or would be extremely lengthy, or it would block the viewer's line of sight.


For the foregoing reasons, the independent claims are believed to relate to patentable subject matter, and to be in condition for allowance. The dependent claims are believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

V. Conclusion

Applicants have made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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